

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

THEODORE E. WOODS,)	
Plaintiff,)	
)	
v.)	No. 05-1278-CV-W-FJG -SSA
)	
JO ANNE B. BARNHART,)	
Commissioner of Social Security,)	
Defendant.)	

ORDER

Currently pending before the Court is plaintiff's Application for Attorney Fees Pursuant to The Equal Access to Justice Act (EAJA), or Alternatively, Pursuant to 42 U.S.C. § 406(b) (Doc. No. 14).

Plaintiff has requested reimbursement in the amount of \$5,335.59 for attorney fees, which represents 34.35 hours at the rate of \$155.33 per hour. Plaintiff has also requested reimbursement in the amount of \$250.00 for the filing fee. In response, Defendant states that, after discussions with plaintiff's counsel, plaintiff and defendant have agreed to an award of EAJA fees and expenses in the amount of \$5,000.00. Defendant further notes that the filing fee is a cost which is distinguished from an expense under the EAJA, 28 U.S.C. § 2412(a). Defendant agrees that plaintiff should be compensated for the filing fee of \$250.00 from the Judgment Fund administered by the United States Treasury.

Accordingly, it is hereby **ORDERED** that plaintiff's application for attorney fees is **GRANTED**, and counsel shall be awarded attorney fees and expenses under the EAJA in the amount of \$5,000.00, and shall be reimbursed for the filing fee of \$250.00.

IT IS SO ORDERED.

Date: September 13, 2006
Kansas City, Missouri

S/ FERNANDO J. GAITAN JR.
Fernando J. Gaitan Jr.
United States District Judge